

Adopted

Rejected

COMMITTEE REPORT

YES: 7

NO: 2

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 health.
- 4 Page 1, line 3, delete ":" and insert "**covered under a health care**
- 5 **plan.**".
- 6 Page 1, delete lines 4 through 9.
- 7 Page 2, line 26, delete "is necessary to save the life".
- 8 Page 2, delete lines 27 through 28.
- 9 Page 2, line 32, delete "." and insert ";
- 10 **and each physician documents in the covered individual's medical**
- 11 **record the reason for the physician's determination.**".
- 12 Page 3, line 17, delete "a" and insert "**the patient.**".
- 13 Page 3, delete line 18.
- 14 Page 3, line 23, delete "in which" and insert "**where**".
- 15 Page 3, line 25, delete "behind" and insert "**in which**".

- 1 Page 3, line 25, delete "." and insert **"occurred."**.
- 2 Page 3, line 29, delete "records" and insert **"reports made"**.
- 3 Page 3, line 29, delete "subsection (a)(2)" and insert **"section 2(a)(2)**
- 4 **of this chapter"**.
- 5 Page 3, line 31, after "information" insert **"contained"**.
- 6 Page 3, line 31, delete "records" and insert **"reports"**.
- 7 Page 3, line 32, delete "identify" and insert **"reveal"**.
- 8 Page 3, between lines 39 and 40, begin a new paragraph and insert:
- 9 "SECTION 4. IC 20-5-13-10 IS ADDED TO THE INDIANA
- 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2005]: **Sec. 10. (a) Before July 1, 2006, each**
- 12 **school board shall establish a coordinated school health advisory**
- 13 **council. The advisory council shall develop a local wellness policy**
- 14 **that complies with the requirements under federal Public Law**
- 15 **108-265 and IC 5-22-15-24(c). The advisory council must hold at**
- 16 **least one (1) hearing that allows public testimony.**
- 17 **(b) The school board shall appoint the members of the advisory**
- 18 **council, which must include parents, food service directors and**
- 19 **staff, students, nutritionists or certified dietitians, health care**
- 20 **professionals, school board members, a school administrator, and**
- 21 **representatives of interested community organizations. However,**
- 22 **a person who represents a food manufacturer or marketer or a**
- 23 **person with a conflict of interest or a financial interest in selling**
- 24 **food in schools may not serve on the advisory council.**
- 25 **(c) The school board shall adopt a school district policy on child**
- 26 **nutrition and physical activity that takes into consideration the**
- 27 **advisory council's recommendations.**
- 28 **(d) The department shall, in consultation with the state**
- 29 **department of health, provide technical assistance to coordinated**
- 30 **school health advisory councils, including providing information on**
- 31 **health, nutrition, and physical activity, through educational**
- 32 **materials and professional development opportunities. The**
- 33 **department shall provide the information given to a coordinated**
- 34 **school health advisory council under this subsection to a school or**
- 35 **parent upon request.**
- 36 SECTION 5. IC 20-5-13-11 IS ADDED TO THE INDIANA CODE
- 37 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2005]: **Sec. 11. (a) This section does not apply to a food or**

1 beverage item that is:

2 (1) part of a school lunch program or a school breakfast
3 program;

4 (2) sold in an area that is not accessible to a student;

5 (3) sold after normal school hours; or

6 (4) sold or distributed as part of a fundraiser conducted by
7 students, teachers, school groups, or parent groups, if the food
8 or beverage is not intended for student consumption during
9 the school day.

10 (b) A vending machine at an elementary school that dispenses
11 food or beverages may not be accessible to a student.

12 (c) At least fifty percent (50%) of the foods and beverages
13 available for sale at school or on the school grounds must qualify
14 as a healthy food or a healthy beverage. Food and beverage items
15 must meet the following qualifications:

16 (1) The following do not qualify as healthy beverages:

17 (A) Soft drinks, punch, iced tea, and coffee.

18 (B) Fruit or vegetable based drinks that contain less than
19 fifty percent (50%) real fruit or vegetable juice or that
20 contain additional caloric sweeteners.

21 (C) Except for low-fat and fat-free chocolate milk, drinks
22 that contain caffeine.

23 (2) The following qualify as healthy beverages:

24 (A) Fruit or vegetable based drinks that contain at least
25 fifty percent (50%) real fruit or vegetable juice or that do
26 not contain additional caloric sweeteners.

27 (B) Water and seltzer water that do not contain additional
28 caloric sweeteners.

29 (C) Low-fat and fat-free milk, including chocolate milk, soy
30 milk, rice milk, and other similar dairy and nondairy
31 calcium fortified milks.

32 (3) Foods that meet the following standards are considered
33 healthy foods:

34 (A) Not more than thirty percent (30%) of their total
35 calories are from fat.

36 (B) Not more than ten percent (10%) of their total calories
37 are from saturated and trans fat.

38 (C) Not more than thirty-five percent (35%) of their weight

is from sugars that do not occur naturally in fruits, vegetables, or dairy products.

(D) Are limited to the following portion sizes:

(i) One and one quarter (1.25) ounces for potato chips, crackers, popcorn, cereal, trail mixes, nuts, seeds, dried fruit, and jerky.

(ii) Two (2) ounces for cookies and cereal bars.

(iii) Three (3) ounces for bakery items, including pastries, muffins, and donuts.

(iv) Three (3) fluid ounces for frozen desserts, including ice cream.

(v) Eight (8) ounces of nonfrozen yogurt.

(vi) Twelve (12) ounces for beverages, except water.

(vii) Entree items and side dish items, including french fries and onion rings, may not exceed the portions for those foods when served as part of the school lunch program or school breakfast program.

SECTION 6. IC 20-10.1-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.5. (a) This section does not apply to:**

(1) students who are in half-day kindergarten; or

(2) a student who has a medical condition that precludes participation in the daily physical activity provided under this section.

(b) Beginning in the 2005-2006 school year, the governing body of each school corporation shall provide daily physical activity for students in elementary school. The physical activity must be consistent with the curriculum and programs developed under IC 20-1-1.1-7 and may include the use of recess. On a day when there is inclement weather or unplanned circumstances have shortened the school day, the school corporation may provide physical activity alternatives or elect not to provide daily physical activity."

Page 4, line 25, delete "necessary to save the life of the".

Page 4, delete lines 26 through 27.

Page 4, line 31, delete "." and insert ";

and each physician documents in the insured's medical record the

1 **reason for the physician's determination."**

2 Page 5, line 21, delete "is necessary to save".

3 Page 5, delete lines 22 through 23.

4 Page 5, line 24, delete "that the surgery".

5 Page 5, line 27, delete "." and insert ";

6 **and each physician documents in the enrollee's medical record the**
 7 **reason for the physician's determination."**

8 Page 5, line 28, delete "IC 5-10-8-7.7(f)," and insert "**IC**
 9 **5-10-8-7.7,"**.

10 Page 5, line 29, delete "added" and insert "**amended**".

11 Page 5, line 32, delete "IC 27-8-14.1-4(b)," and insert "**IC**
 12 **27-8-14.1-4,"**.

13 Page 5, line 32, delete "added" and insert "**amended**".

14 Page 5, line 35, delete "IC 27-13-7-14.5(d)," and insert "**IC**
 15 **27-13-7-14.5,"**.

16 Page 5, line 35, delete "added" and insert "**amended**".

17 Page 5, after line 37, begin a new paragraph and insert:

18 "SECTION 10. [EFFECTIVE UPON PASSAGE] **(a)**
 19 **IC 20-5-13-11, as added by this act, does not apply to a contract**
 20 **that:**

21 **(1) was executed before the effective date of this SECTION;**

22 **(2) takes effect not later than the effective date of this**
 23 **SECTION; and**

24 **(3) requires a governing body of a school corporation to allow**
 25 **the sale of:**

26 **(A) soft drinks and similar beverages; and**

27 **(B) food;**

28 **with no or low nutritional value, as defined by the United**
 29 **States Department of Agriculture, from vending machines or**
 30 **other dispensing units during school hours.**

31 **However, the governing body may not renew a contract described**
 32 **in this SECTION and, after the contract expires, must comply with**
 33 **IC 20-5-13-11, as added by this act.**

34 **(b) This SECTION expires July 1, 2010.**

35 SECTION 11. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding**
 36 **IC 20-5-13-11(c), as added by this act, the following percentages of**
 37 **foods and beverages sold at school or on school grounds must**
 38 **qualify as a healthy food or a healthy beverage, as described in**

- 1 **IC 20-5-13-11(c), as added by this act:**
2 **(1) Twenty percent (20%), beginning July 1, 2005, through**
3 **June 30, 2006.**
4 **(2) Thirty-five percent (35%), beginning July 1, 2006, through**
5 **June 30, 2007.**
6 **(b) This SECTION expires July 1, 2007.**
7 **SECTION 12. An emergency is declared for this act."**
8 Renumber all SECTIONS consecutively.
 (Reference is to SB 360 as reprinted March 1, 2005.)

and when so amended that said bill do pass.

Representative Becker